

FILED

APRIL 18, 2008

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF THE LICENSE OF

ELLIOT M. HELLER, M.D.
License No. MA-044554TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action

CONSENT ORDER OF
REINSTATEMENT OF
LICENSURE WITH
RESTRICTIONS

This matter was initially opened to the State Board of Medical Examiners ("Board") upon receipt of a request for early reinstatement of the license of Elliot Heller, M.D. (hereinafter "Respondent") submitted by respondent's prior counsel, Carl Poplar, Esq. The request for reinstatement was renewed by his present counsel, Steven Kern, Esq.

On April 7, 2004, the Board had filed a Final Order suspending Respondent's license for six years, retroactive to November 8, 2002 (the date on which Dr. Heller surrendered his license to practice). Pursuant to the Final Order, the first five years of the period of suspension, through November 8, 2007 was to be served as an active suspension, and the final one (1) year of the suspension was stayed and to be served as a period of probation. The Final Order also provides that prior to resuming any practice of medicine during the

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stayed period of suspension or thereafter, the respondent is required to appear before a Committee of the Board and demonstrate to the satisfaction of the Board that he is then fit to resume medical practice. Following said appearance, the Board may impose conditions or limitations upon respondent's practice. Respondent was ordered to pay costs in the amount of \$6,172.50, which was paid on December 18, 2006.

On March 28, 2007, respondent appeared with his counsel before a Preliminary Evaluation Committee ("Committee") to discuss his petition for early reinstatement of his license to practice medicine and surgery in the State of New Jersey and his compliance with the requirements of the Final Order. Respondent testified that he was actively practicing medicine and surgery in Staten Island, New York. Based upon respondent's testimony to the Committee and documentation provided to the Board, the Board previously determined that there was insufficient basis for an early reinstatement of licensure.

Respondent has now renewed his request to resume the practice of medicine and surgery in the State of New Jersey and seeks to ~~commence the stayed portion of the suspension.~~ Since the August 17, 2004 Consent Order contemplated a totality of six (6) years of suspension, and respondent has now completed five (5) years and five (5) months of active suspension in New Jersey, only seven (7) months of suspension remain to be served as a period of probation. Respondent has submitted documentation that he is competent to

practice medicine and surgery and has paid the costs assessed pursuant to the Final Order. The Board has also reviewed the State of New York: Department of Health Administrative Review Board for Professional Medical Conduct (ARB) Determination to Reconsider Order No. 03-337A in which the ARB placed a permanent Billing Limitation on Respondent's license.

Respondent agreeing to the terms of this Order and the Board finding that respondent is currently satisfying the requirements of the April 7, 2004 Final Order, and that the within disposition is adequately protective of the public health, safety and welfare;

IT IS, therefore, on this 17TH day of APRIL, 2008,
ORDERED THAT:

1. Respondent's license is reinstated and placed on probation for the remainder of the six (6) year period of suspension, which concludes on November 8, 2008. The probationary period shall commence upon the filing of the within Consent Order.

2. If during the period of probation, respondent chooses to resume practice in the State of New Jersey, he must provide ten (10) ~~days prior written notice concerning his intention to practice, by~~ registered or certified mail, return receipt requested to the Board, addressed to the Executive Director, New Jersey State Board of Medical Examiners, P.O. Box 183, Trenton, New Jersey 08625. Said notice is to include a full description of any employment and practice in New Jersey, as well as a listing of professional and

residential addresses and telephone numbers within or without the State of New Jersey. Further during the period of probation, respondent shall submit written notification to the Board of any changes in employment and practice, professional and residential addresses within or without the State of New Jersey within ten (10) days of the change.

3. During the probationary period, respondent shall notify in writing any medical employer with whom he becomes affiliated or at which he practices of the contents of this order and the terms of probation and provide the Board with a copy of the written notification within ten (10) days of employment or affiliation.

4. During the probationary period, respondent shall work only in a practice setting as an employee for another physician or a physician practice, if the employer handles all billing for respondent's services. After respondent's federally mandated Medicaid/Medicare exclusion ends, respondent can also practice at a facility.

5. During the period of probation, respondent shall have a billing limitation and is precluded from having any authority for the billing of his services.

6. The Board may, at its discretion, take any and all steps necessary to monitor respondent's status, condition or professional performance, including but not limited to unannounced, random inspections to assure compliance with the within Order. Respondent

must cooperate in providing releases, permitting unrestricted access to records and other information, to the extent permitted by law, from any employer, medical facility or institution with which he is affiliated or at which he practices. Respondent shall fully cooperate with and respond in a timely manner to requests from the Board to provide written periodic verification of his compliance with the terms of this Order.

7. Respondent shall obey all the laws of the State of New Jersey, the United States and their political subdivisions as well as all regulations, rules or laws pertaining to the practice of medicine and surgery in this State of any other State.

8. During the period of probation, respondent hereby consents to the entry of an Order of automatic suspension of license without notice, upon the Board's receipt of any information which the Board in its sole discretion deems reliable that respondent has failed to comply with paragraphs two (2) through seven (7) of this Consent Order without the prior written consent of the Board. Respondent may petition the Board on five (5) days notice for a hearing limited to the sole issue of whether he deviated from the terms of the Consent Order.

NEW JERSEY STATE BOARD OF MEDICAL EXAMINERS

By: _____

Mario A. Criscito, M.D.
Mario A. Criscito, M.D.
Board President

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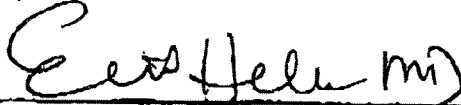
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I have read and understood the within Order and agree to be bound by its terms. Consent is hereby given to the Board to enter this Order.



Elliot Heller, M.D.

Consented to as to form and entry:



Steven Kern, Esq.

Attorney for Elliot Heller, M.D.